

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

<p>THE EMPLOYEE BENEFITS ADMINISTRATION COMMITTEE, For and On Behalf of Northwestern Energy Flexible Compensation Plan and Its Component Plan the Health Benefit Plan for All Active Employees of Northwestern Corporation, d/b/a, NorthWestern Energy</p> <p>Plaintiff,</p> <p>vs.</p> <p>ALASKACARE RETIREE HEALTH PLAN,</p> <p>Defendant.</p>	<p>4:21-CV-04119-KES</p> <p>ORDER GRANTING JOINT MOTION TO DISMISS</p>
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The parties in the above-captioned case jointly move to dismiss this case with prejudice to the extent the complaint is based on acts or omissions occurring before November 23, 2021, and is otherwise dismissed without prejudice, with each party to bear its own costs, expenses, and attorney's fees and other expenses incurred in connection with this action, except to the extent expressly provided otherwise in the parties' settlement agreement. Docket 24. Thus, it is

ORDERED that the plaintiff's complaint is dismissed with prejudice to the extent the complaint is based on acts or omissions occurring before November 23, 2021, and is otherwise dismissed without prejudice, with each

party to bear its own costs, expenses, and attorney's fees and other expenses incurred in connection with this action, except to the extent expressly provided otherwise in the parties' settlement agreement.

Dated December 8, 2021.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE